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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,623	12/28/2000	Juergen Kockmann	00 P 9130 US	9440

7590

04/09/2004

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,623

Applicant(s)

KOCKMANN, JUERGEN

Examiner

SIMON D NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (6,278,722) in view of Takahashi (6,263,210).

Regarding claim 1, Evans discloses a telecommunication device (fig.1), comprising: a receiver for receiving signals at a plurality of channels within one frequency band (column 3 lines 43-58, column 5 line 45 to column 6 line 27, fig.1); a filter adapted to bandpass filter the signals (column 6 line 12), the receiver being a frequency hopping corresponding to a channel bandwidth (column 5 lines 46-60), wherein the filter receiving a frequency select signal, selecting a channel for filtering responsive to the frequency select signal, wherein the frequency bands are divided into a plurality of subsets, each subset having a plurality of channels, and the frequency select signal indicates which channel in a particular subset is selected (column 11 lines 49-67), wherein frequencies are chosen to allow to avoiding interfering frequencies (column 10 lines 13-67). It should be noted that the bandpass filter of Evans obviously including a bandwidth sized to correspond to a channel bandwidth since Evans discloses that the system use a 902-928 MHz ISM band in a 3 KHz bandwidth at less

than 8 dBm gain according to a FCC rule (column 3 lines 44-59) and the bandpass filter allows the signals of the designated frequency band to pass, it is obvious the Evans' filter having a bandwidth size to a channel bandwidth and a programmable bandpass filter for passing selected frequencies. However, Evans does not specifically disclose the bandpass filter is controlled by a program and a bandwidth size to correspond to a channel bandwidth.

Takahashi discloses a hopping frequency communication system for communicating between a base unit and a mobile unit (abstract, fig.7), wherein each unit having a receiver including bandpass filters and a CPU having a control program to control selection signal reception (column 9 lines 4-36, column 10 lines 33-57) and the receiver also having a bandwidth sized to correspond to a channel bandwidth (column 15 lines 6-50) which means the receiver inherently includes a programmable bandpass filter for select a channel for filtering responsive to the frequency select signal and the bandpass filter having a bandwidth sized to correspond to a channel bandwidth. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Evans, modified by Takahashi in order to prevent the channel interference in a hopping frequency channel allocation.

Regarding claim 3, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 4, this claim is rejected for the same reason as set forth in claim 1, wherein Takahashi further discloses a communication between a base unit and plurality of wireless units (column 7 line 21).

Regarding claim 5, Evans discloses the receiver receiving/filtering a selected signal (column 11 lines 60-65).

Regarding claim 6, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 7, Evans further discloses hopping from one channel to another channel (column 11 line 65 to column 12 line 1).

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 9, Evans further discloses the receiver adapted to select one of a plurality of frequency channels providing in the frequency hopping receiver (column 11 lines 60-67, column 18 lines 1-5).

3. Claim 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (6,278,722) in view of Anzai et al. (5,982,762).

Regarding claim 10, Evans discloses a telecommunication device (fig.1), comprising: a base station establishing a frequency hopping scheme (column 11 lines 49-67); a filter adapted to bandpass filter the signals (column 5 lines 13-15), wherein the frequency hopping scheme having a channel bandwidth (for example a 902-928 MHz ISM band, which correspond to 11 frequency channels) (column 11 lines 60-67), wherein the frequency channels selects from a plurality of frequency bands (column 3 lines 43-58) divided into a plurality of subset, each subset having a plurality of channels, and the frequency select signal indicates which channel in a particular subset is

Art Unit: 2685

selected (column 11 lines 49-67), wherein frequencies are chosen to allow to avoiding interfering frequencies (column 10 lines 13-67). However, Evans does not specifically disclose the base station providing information indicative of the scheme and a bandwidth size to correspond to a channel bandwidth.

Anzai discloses a frequency hopping technique for communicate between a base station and a mobile station (fig.1) wherein the base station provides information indicative of the scheme to wireless modem unit 111 (fig.4, column 4 line 40 to column 5 line 8, column 8 line 66 to column 9 line 4) and wherein Anzai further discloses the system use a bandwidth size of 26 MHz to correspond to a channel bandwidth of 2MHz (FIG.2). it should be noted that the base station of Anzai inherently includes a bandpass filter for passing the designated frequency band. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a frequency hopping scheme as taught by Anzai to the bandpass filter of Evans in order to synchronize the channel allocation between a base station and a plurality of and mobile units.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 10.

Regarding claims 11-13, 15-17, Evans discloses the receiver of the handset having a bandpass filter (column 6 lines 10-12). However, Evans does not specifically disclose the base station providing information indicative of the hopping scheme to the handset.

Anzai discloses a base station providing information indicative of a hopping scheme to a mobile handset (column 5 lines 43-52, column 8 line 66 to column 9 line 17). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Evans system, modified by Anzai to synchronize the hopping scheme between a handset and a base unit in order to improve the frequency hopping as well prevent a frequency hopping mismatch.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2685

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

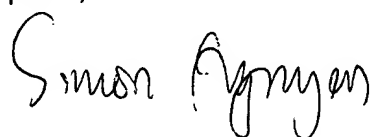
Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Simon Nguyen

April 4, 2004

A handwritten signature in cursive script that reads "Simon Nguyen".